

Presto & Barbire
Counsellors at Law

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18 Glen Road

EXECUTIVE DEPT. *Rutherford, New Jersey 07070*
Area Code 201 939-4868

Dominick N. Presto
Paul S. Barbire

February 3, 1984

Honorable Reginald Stanton, J.S.C.
Superior Court of New Jersey
Morris County Courthouse
Morristown, N.J. 07960

Re: State of New Jersey, Department of Environmental
Protection vs. Scientific Chemical Processing,
Inc.
Docket Number: C-1850-83E

Dear Judge Stanton:

Enclosed please find copy of Certification In Response to Notice
of Motion of the Plaintiff.

By copy of this letter, I am serving the parties noted herein-
below.

Very truly yours,

PRESTO & BARBIRE

By

Dominick Presto (am)
Dominick Presto

DP/am

Enclosure

cc: Irwin I. Kimmelman
Attn: David W. Reger
Superior Court of New Jersey
Evan Zwillman, Esq.
Harriet Sims Harvey, Esq.
Edward J. Egan, Esq. ✓
Mr. Leif R. Sigmond
Mr. Herbert G. Case

345795



PRESTO & BARBIRE

18 GLEN ROAD

RUTHERFORD, NEW JERSEY 07070

(201) 939-4868

ATTORNEYS FOR Defendant

SUPERIOR COURT OF NEW JERSEY

Plaintiff

CHANCERY DIVISION

STATE OF NEW JERSEY, DEAPRTMENT OF
ENVIRONMENTAL PROTECTION

ESSEX COUNTY

vs.

Docket No. C-1852-83E

Defendant

SCIENTIFIC CHEMICAL PROCESSING,
A corporation, et al.

**CIVIL ACTION
CERTIFICATION**

DOMINICK PRESTO, of full age, being duly sworn according
to law, upon his oath, says:

1. Sigmond & Presto executed a contract with S & W for
the cleanup of the Newark site, a copy of said contract is attached
to plaintiff's moving papers.

2. A scheduled meeting was held at the Newark site but
I was unable to be in attendance. I had a representative, Herbert
Case, appear in my behalf.

3. I have not submitted written authorization to S & W because after the meeting, when I heard nothing, on November 28, 1983, I wrote to S & W to request them to advise me of the plan which had been made for sampling at the Newark site (copy attached as Exhibit A). S & W responded by letter dated December 6, 1983 and advised me that Mr. Senna, of the D.E.P., would be contacting me to discuss the matter but I am not aware that he did call my office (copy attached as Exhibit B).

4. Mr. Reger did call me concerning the written authorization to commence the sampling process but I do not have a record of the date, in any event, I did not authorize S & W to proceed because of the content of the letter dated December 6, 1983.

5. As to Mr. Regers contention that I have not attempted to have generators who agreed to remove their waste do so is without basis in fact. I have been trying diligently to have this happen because obviously it is to my benefit. Prior to David Reger, D.A.G., serving the present Motion upon me I requested my attorney Philip V. Toronto, Esq., to follow up on the generators who had indicated that they would co-operate and he thereupon made various phone calls confirmed by letter copies of which were sent to David Reger, D.A.G. so as to establish better communication.

Mr. Toronto has been successful at the time of the preparation of this Affidavit to have Ashland Chemical and Du Pont finally agree to come to the premises on Thursday, February 9, 1984 to inspect the drums and come to a final conclusion as to what part they will play in the cleanup. We have every reason to believe that Union Carbide and G.A.F. will be making similar arrangements in the near future. I am burdened by the problem that I have no records available to me to provide these generators with paper proof and therefore it is necessary for them to visit the site.

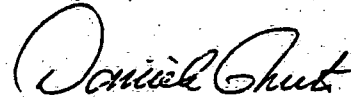
6. It is my contention that I have made a good faith effort to move the cleanup of the Newark site. The only snag in moving it along resulted from a failure of communication between Mr. Senna of D.E.P. and myself based upon the contents of the letter attached hereto as Exhibit B.

7. The project of the cleanup of the Newark site is difficult enough for one individual to undertake from a physical and financial point of view without rigorous time tables being imposed. It is respectfully submitted that the imposition of the cleanup requested by the plaintiff is unnecessary at this time and the responsible parties should be given an opportunity to proceed.

8. I do not feel that I should be responsible to execute manifests. If anyone other than the D.E.P. or the waste removal company is to execute them, it should be the person or persons

who were in charge of the operation at the site.

9. I have and will continue to make every effort to move the project along.

A handwritten signature in cursive script, appearing to read "Dominick Presto".

DOMINICK PRESTO

NOVEMBER 28, 1983

S & W WASTE, INC.
115 Jacobus Ave.
South Kearny, New Jersey 07032

RE: SIGMOND & PRESTO - S & W WASTE, INC.
Newark, N. J.

Dear Sirs:

Would you kindly advise me as to what plans if any have been made with the DEP for sampling and further what the proposed methods of sampling will be and the approximate cost thereof.

Very truly yours,

PRESTO & PARBIRE

BY
DORINICK PRESTO

DP:c

EXHIBIT "A"

S. & W. Waste, Inc.

115 JACOBUS AVENUE
SOUTH KEARNY, N.J. 07032

Tel: 344-4004

December 6, 1983

Dominick Presto, Esq.
Presto and Barbire
18 Glen Road
Rutherford, New Jersey 07070

RE: SCP - Newark Site

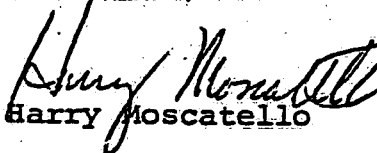
Dear Dominick:

You wrote to me on November 28th to ask if any plans had been made for sampling at the Newark site.

Please be advised that on Tuesday, November 15, 1983, Mr. Robert Chitren and myself spent the morning with Mr. Senna of the DEP at the Newark site. I had requested that you be present at that meeting so that direct communications between you and Mr. Senna concerning sampling requirements would avoid undue delay. In your absence Mr. Senna said that he would contact you directly to indicate DEP's expectations for a sampling plan and that we should await communication from you before we proceeded further.

Sincerely,

S&W WASTE, INC.


Harry Moscatello

HM/sb

EXHIBIT "B"